

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TIEN NGUYEN

CASE NO. C 07 04386 HRL

Plaintiff(s),

v.

TOP INNOVATIONS, INC., COSTCO and
Does 1 to 20

Defendant(s).

STIPULATION ~~AND PROPOSED~~
~~ORDER~~ SELECTING ADR PROCESS

Counsel report that they have met and conferred regarding ADR and have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

The parties agree to participate in the following ADR process:

Court Processes:

- Non-binding Arbitration (ADR L.R. 4)
- ✓ Early Neutral Evaluation (ENE) (ADR L.R. 5)
- ✓ Mediation (ADR L.R. 6)

(Note: Parties who believe that an early settlement conference with a Magistrate Judge is appreciably more likely to meet their needs than any other form of ADR, must participate in an ADR phone conference and may not file this form. They must instead file a Notice of Need for ADR Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5)

Private Process:

- ✓ Private ADR (*please identify process and provider*) Mediation. The Mediator will
be chosen by the parties at a later date and will inform the Court once the Mediator is chosen.

The parties agree to hold the ADR session by:

the presumptive deadline (*The deadline is 90 days from the date of the order referring the case to an ADR process unless otherwise ordered.*)

- ✓ other requested deadline 120 days from date of order, to allow
initial discovery, principally subpoenaing Plaintiff's
medical and employment records and taking Plaintiff's
deposition.

Dated: 11/19/07

/S/ Gregg L. Kays

Attorney for Plaintiff

Dated: 11/16/07

/S/ Keith E. Patterson

Attorney for Defendant